IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 882 (S/S) of 2006

1. Udai Bhan Singh, S/o Sri Chandra Bhan Singh Chauhan.
2. Arvind Kumar, S/o Sri Ramprasad Yadav.
   Both residents of Sub Jail Roorkee, District – Haridwar.

…….Petitioners

V e r s u s

1. Union of India, through its Director (State Reorganisation), Department of Personnel & Training, Public Grievance and Pensions, Lok Nayak Bhawan, 3rd Floor, Khan Market, New Delhi.
2. State of Uttaranchal, through Principal Secretary Home, Government of Uttaranchal, Dehradun.
3. State of Uttar Pradesh, through Secretary, Home Civil Secretariat, Vidhan Sabha Marg, Lucknow.
4. Inspector General, (Prison), Uttaranchal, District – Dehradun.
5. State Advisory Committee, constituted under section 76 of U.P. Reorganisation Act, through its Member Secretary, Uttaranchal Samanvya Vibhag, Room No. 716, Vikas Bhawan, Janpath Market, Hazratganj, Lucknow.

…….Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Sharad Sharma, Parikshit Saini, learned counsel for the petitioner, Smt. Anjali, learned standing counsel for Union of India on behalf of respondents no. 1 and 5, Smt. Beena Pandey, learned standing counsel for State of Uttar Pradesh on behalf of respondents no. 3 and learned standing counsel for State of Uttaranchal on behalf of respondents no. 2 and 4.

By means of this writ petition, the petitioner has prayed for following reliefs:

(a) *issue a writ, order, rule or direction in the nature of Mandamus commanding the respondents to relieve the petitioners to join State of Uttar Pradesh as per decision of the Advisory Committee they have been allocated State of U.P. as their names filed place in the list of allottees of State of U.P.*

(b) *Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case;*

(c) *award the costs of the petition.*

The submission of the learned counsel for the petitioners is that petitioner no. 1 was appointed on 31.11.1994 as Bandi Rakshak and at present is working in Sub Jail Roorkee, Haridwar and petitioner no. 2 was appointed on 11.03.1995 as Typist Clerk and he is also working in Sub Jail Roorkee, Haridwar. Petitioners are permanent resident of State of U.P. and they had opted for State of U.P. A tentative final allocation list was issued by Union of India in respect of State of Uttaranchal, which is Annexure No. 3 to the writ petition. In the aforesaid list the names of the petitioners do not find place, meaning thereby, they have been allocated to State of U.P.

Smt. Anjali, learned standing counsel for Union of India has submitted that Final Allocation List has already been published in respect of State of Uttaranchal in the month May, 2005 and the names of the petitioners do not find place in the

list for State of Uttaranchal, meaning thereby, petitioners have been finally allocated for State of U.P.

In view of the above statement made by learned standing counsel for Union of India, I deem it fit and proper to direct respondent no. 4 to take decision for relieving of the petitioners to State of U.P., in case, they have been finally allocated to State of U.P. within a period of four weeks from the date of production of certified copy of this order.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

July 05, 2006
SKSharma